

Amendments to the Drawings

Figures 7 and 9 have been amended to delete reference numeral "102." Figure 11 has been amended to include reference numeral "113" to identify the drain oil passage in the fluid flow diagram. These changes introduce no new matter, and their entry is respectfully requested.

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3 and 10 are pending in the application, with claim 1 being the only independent claim. Claim 4 is cancelled without prejudice to or disclaimer of the subject matter therein. Claims 5-9 and 11-17 were previously cancelled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Office Action objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they included reference character 102, which is not mentioned in the description. Figures 7 and 9 have been amended herein to delete the reference character 102. Applicant therefore requests that the objection to the drawings be withdrawn.

Objection to the Specification

The Office Action objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Office Action states that it is unclear from the specification which element is the hydraulic port for oil supply and discharge of the PTO valve as per claim 1, line 8. Claim 1 has been amended herein to delete the reference to "hydraulic port."

The Office Action also states that it is unclear from the specification which is the valve that sets oil pressure as per claim 2, line 3. Claim 2 has been amended herein to delete the reference to "a valve setting oil pressure."

The Office Action objected to the disclosure, stating that the purpose of port 102 and passage 113 shown in Figure 7 are unclear. The figures containing reference numeral 102, Figures 7 and 9, have been amended herein to remove reference numeral 102. The specification has been amended herein to make clear that passage 113 is a draining oil passage for valve 47.

Applicant therefore respectfully requests that the Examiner reconsider and withdrawn the objections to the specification and disclosure of the application.

Rejections under 35 U.S.C. § 112

The Office Action rejected claims 1 and 2 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action states that it is unclear which element is the hydraulic port for oil supply and discharge of the PTO valve, as recited in claim 1. Claim 1 has been amended herein to delete the reference to "hydraulic port."

The Office Action also states that it is unclear from the specification which is the valve setting oil pressure as recited in claim 2. Claim 2 has been amended herein to delete the reference to "a valve setting oil pressure."

The Office Action also rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. Specifically, the Office Action states that neither the PTO driving mechanism 30 nor the PTO clutch 28 is housed within rear cover 3c, as recited in claim 1. Claim 1 has been amended herein to recite a PTO rear cover supporting a PTO shaft and housing a PTO driving mechanism for driving the PTO shaft, wherein the PTO rear cover is attached to a rear end of a rear housing of a vehicle body housing a hydraulic PTO clutch so as to drivingly connect the PTO driving mechanism to the hydraulic PTO clutch. Applicant submits that this amendment corrects the alleged indefiniteness of claim 1.

Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejections of claims 1 and 2 under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102 and § 103(a)

Claims 1-3 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2003/0075411 ("the '411 publication"). Claim 4 was rejected under 35 U.S.C. § 103(a) as being rendered obvious by the '411 publication in view of U.S. Patent No. 3,625,310 ("the '310 patent"). Claim 4 has been cancelled, rendering rejection of this claim moot.

Claim 1 has been amended to recite an oil inspection window provided in a PTO rear cover at a side of the PTO shaft, wherein the oil inspection window includes upper and lower glasses aligned in a vertical direction, wherein the lower glass is positioned at a height so as to indicate insufficiency of hydraulic oil requiring supply of hydraulic oil when a surface of the hydraulic oil is viewed through the lower glass, and wherein the upper glass is positioned at a height so as to indicate an appropriate amount of hydraulic

oil when a surface of the hydraulic oil is viewed through the upper glass. Support for the amendments to claim 1 can be found at least in ¶ [0051] and Figure 5 of the application as filed. Neither the '411 publication nor the '310 patent, taken alone or in combination, disclose or suggest such features.

As noted by the Office Action, the '411 publication does not disclose an oil inspection window in a PTO rear cover. Office Action, p. 7. The '310 patent discloses a single inspection window 24, but does not disclose or suggest the use of two vertically displaced glasses to monitor the level of oil in a housing, as presently recited in claim 1.

The use of two glasses, as claimed, provides for more accurate monitoring and prediction of the oil level in the housing. If, for example, no oil is visible in the upper glass and the oil surface is not visible in the lower glass, but oil is visible in the lower glass (i.e., the oil surface is between the upper glass and the lower glass), the operator will understand that additional oil will soon need to be supplied, but that he or she does not need to immediately stop work. Alternatively, if hydraulic oil is viewed through both the upper and lower glasses but the oil surface is not visible through either the upper glass or the lower glass, i.e., the oil level is higher than the upper glass, the operator will understand that the oil level is excessive, and can remove oil as necessary to remedy the problem.

The single inspection window 24 of the '310 patent will only indicate when the hydraulic oil level is low and that oil needs to be added. The single inspection window 24 of the '310 patent provides no way for the operator to detect when the oil level in the housing is excessive. The only information available to the operator is that the oil

surface is or is not visible in window 24. When the oil surface is above the window 24, which occurs during the normal operation of gearbox 10, the operator has no method of determining if the oil level is appropriate or excessive. See '310 patent, FIG. 3. As would be understood by one of skill in the art, excessive oil can hamper the operation of a transmission. Furthermore, because only a single inspection window is provided, the operator will not be able to determine when the oil supply is becoming low, but has not yet reached the level requiring oil to be supplied. Thus, the operator will have no advance warning of an upcoming need for oil supply, and will therefore have less flexibility in incorporating oil changes into the planned work schedule. For at least these reasons, the '310 patent fails to disclose or suggest an oil inspection window provided in a PTO rear cover at a side of the PTO shaft, wherein the oil inspection window includes upper and lower glasses aligned in a vertical direction.

For at least these reasons, neither the '411 publication nor the '310 patent, taken alone or in combination, disclose or suggest the features of claim 1. Claims 2-3 and 10 depend from and add limitations to claim 1, and are therefore patentable for at least the same reasons. Applicant therefore respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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